

REMARKS

Entry of the foregoing amendments and reconsideration of the above-identified application are respectfully requested in view of the remarks that follow.

I. Status of Claims:

Claims 1, 5-7 and 9-13 are currently pending. By this response, claims 1 and 13 have been amended. No new matter has been introduced.

II. Rejection Under 35 U.S.C. §103:

Claims 1 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,014,221 to Mogul (hereafter “Mogul”) in view of U.S. Patent No. 5,444,849 to Farrand *et al.*, (hereafter “Farrand”).

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mogul in view of Ferrand and further in view of pre-grant patent application publication U.S. 2002//0155808 to Kawamura (hereafter “Kawamura”).

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mogul in view of Ferrand and further in view of Kawamura and further in view of DPOF Version 1.10 (at the website http://panasonic.jp/dc/dpoC110/white_e.htm) (“DPOF”).

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mogul in view of Ferrand and further in view of US 5,999,707 to Taniguchi *et al.* (hereafter “Taniguchi”) Claims 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mogul in view of Farrand and further in view of US 6,362,896 B1 to Miyasaka *et al.* (hereafter “Miyasaka”).

Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mogul in view of Ferrand and further in view of US 6,466,963 B1 to Shigemori (hereafter “Shigemori”). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mogul in view of Farrand and further in view of Miyasaka and further in view of 6,665,088 B1 to Chiba *et al.* (hereafter “Chiba”).

In the interest of expediting prosecution, Applicants have amended the pending claims, as set forth above. In particular, independent claim 1 has been amended to more clearly recite the claimed subject matter. To that end, amended claim 1 now recites the additional feature of “the communication partner determines that an error has occurred in the communication apparatus when the communication partner receives no instruction to transmit data from the instruction device during a predetermined period of time”. Support for the amendatory language can be found, for example, on page 29—line 9 through page 32-line 21. Thus, no new matter has been introduced.

In accordance with at least one embodiment of the present invention, claim 1 is directed to a communication apparatus in which data transmission is interchangeably interrupted under one of two distinct scenarios. The first occurs in the case that no free space remains in the memory, and the second, in the case that a data output error is detected. The data transmission is interrupted, (1) by setting the designated data length to zero when the available storage capacity is determined that it is insufficient for storage of all of the instructed data, or (2) by halting the instruction of the data transmission when the data output error is detected.

As disclosed, for example, on page 29—line 9 through page 32-line 21 of the instant application, the communication partner determines that an error has occurred in the communication apparatus when the communication partner receives no instruction to transmit data from the instruction device during a predetermined period of time. In accordance with this feature, even if the communication partner determines that an error has occurred in the communication apparatus when the communication partner receives no instruction of the data transmission during a predetermined period of time, the communication apparatus can perform the flow control for this communication partner in addition to distinguishing the error detection and the insufficient memory capacity. More specifically, when the available storage capacity is insufficient, the designated data length is set to zero and the communication partner stops the data transmission without determining that the error has occurred. On the other hand, when the data output error has occurred, the instruction of the data transmission is halted and the communication partner can determine the occurrence of the error after the predetermined period.

Applicants respectfully submit that neither Mogul nor Ferrand, taken alone or in combination, disclose or suggest the above-discussed specific features of amended claim 1. In particular, it is submitted that the secondary citation to Ferrand does not remedy the conceded deficiency in the primary reference to Mogul. Accordingly, without addressing the propriety of the combination of these two references, Applicants submit that the combination of Mogul and Ferrand is likewise deficient, even in view of the knowledge of those skilled in the art at the time of invention.

Applicants have previously addressed the merits of the Mogul reference. See, for example, Applicants' remarks on page 7 of the amendment dated September 16, 2008. Applicants incorporate herein by reference those remarks, and continue to maintain that Mogul merely discloses that a printer server sends a window whose data amount is zero when a printer is not available and the partner apparatus stops a data transmission.

Moreover, the Office Action concedes that "Mogul does not specifically show a detection device adapted to detect a data output error in the communications apparatus; and halts the instruction of the data transmission in case that the data output error is detected." (Office Action, page 4—bottom paragraph). Thus, the Office Action acknowledges that Mogul is deficient in at least those aspects. In an attempt to fulfill Mogul's deficiencies, the Office Action cites Ferrand.

Farrand generally discloses that a negative acknowledgment (NAK) is sent for the non-receipt of data (lines 60-63 of column 13), that the NAK is a data packet with a zero length (lines 30-32 of column 16), that the data packet is retransmitted when the NAK is received (lines 10-49 of column 17), that the flow of data packets is terminated when there is not enough buffer space to receive (lines 50-52 of column 15), and that a receiver disconnects when the received packet ID byte is "bad" (lines 38-45 of column 16).

However, Mogul and Farrand—alone or in combination—do not teach or suggest that the interrupting method of the data transmission from the communication partner is changed when the memory capacity is insufficient and when the data output error is detected. Thus, Mogul and Farrand do not teach or suggest that, corresponding to the communication partner

determining the occurrence of the error when no instruction of the data transmission is received during the predetermined period of time, the interrupting method of the data transmission is alternatively changed. That is, Mogul and Farrand—alone or in combination—do not teach or suggest “the instruction device instructs the communication partner to interrupt data transmission, by setting the designated data length to zero in case that no free space remains in the memory, and by halting the instruction of the data transmission in case that the data output error is detected”, as recited in amended claim 1.

In addition, Applicants submit that none of the additional references Kawamura, DPOF Version 1.10, Taniguchi, Miyasaka, Horst, Kanakubo, Shigemori and Chiba appear to fulfill the above-noted deficiencies of Mogul and Ferrand. Thus, Applicants submit that amended claim 1 and claim 13 which is a counterpart method claim to claim 1, and claims depending thereupon, are now in condition for allowance. Withdrawal of the foregoing rejections of claims and prompt allowance thereof are respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

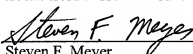
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Document to Deposit Account No. **504827**, Order No. 1232-5573.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **504827**, Order No. 1232-5573.

Respectfully submitted,
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Dated: April 2, 2009

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